



Branding as a Tool for Protection of Intellectual Property Rights

BTS and ARMY as a Case Study

ACADEMIC ARTICLE: ARTICLE

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ABSTRACT

This work investigates whether branding and brand equity impact the likelihood of consumers and/or fans to develop proactive behaviors in advocacy and protection of the brand's Intellectual Property (IP) and the likelihood of success in enforcement of IP rights. The purpose is to prove that a relationship exists between branding strategies and brand equity in the protection of IP rights, as well as on the effects of such a relationship in IP legal enforcement and litigation. The music group 방탄소년단 (BTS) and their fans (ARMY) served as a case study. This case study focuses particularly on IP rights related to the field of arts and entertainment, such as trademarks and copyrights.

KEYWORDS

Branding, Brand Equity, Intellectual Property, BTS, ARMY

Traditionally, the relationship between branding and Intellectual Property (IP) Law is one in which the latter enables the former to legally exist and defend itself, protecting economic rights of the brand's owner through, for example, trademark registration of the brand's name and/or logo.

However, this relationship can also be beneficial the other way around, especially

for brands in the fields of the arts. The brand, considered in its totality of meanings and values that are shared through branding strategies, can help protect and enforce various forms of IP rights as well, not only trademark rights.

Brands in the field of the arts are more heavily dependent on IP rights than are other businesses that do not provide original products or services that depend on IP-protected creative works. And nowadays, the branded music celebrity has become synonymous with the music industry (Frew & McPherson, 2015). Artists, especially underground and independent artists, are aware that brand perception is what draws people to their music, as is seen in numerous music blog posts such as Stereo Stickman (2017) about the importance of branding for artists.

There can also be a lot of emotional attachment linking the artist to their fans (Kemp et al, 2013), which suggests a beneficial outcome for the brand owner, as the research of Kemp shows:

Strong affective commitment from the consumer can be extremely valuable to the branded artist and his/her music because it may lead to loyalty in the form of purchase behavior, reduced digital piracy, support of artistic vision, and advocacy for the artist.

In our research, we theorize about two ways in which branding and brand equity might benefit the brand's IP: a) the likelihood that a brand with strong abilities to connect with its target consumer base, provide them with a sense of belonging, and inspire loyalty through branding strategies has fans and consumers that will advocate for its IP-protected products and contents (not limited to the trademark) and help defend the brand's IP when at risk of violation; and b) the likelihood that a brand with high equity is successful in enforcing its IP rights.

The case study chosen was the relationship between the Korean music group 방탄소년단 (BTS) and their fans called "ARMY" (an acronym for Adorable Representative MCs for Youth).

As of the date of this study, ARMY is known as one of the most proactive and loyal fanbases in pop culture. They are "passionate promoters" of BTS (Lee, 2019, p. 186), who "want to show their love and loyalty to BTS for their hard work and dedication for their music" (Pipkin, 2020), and are "loyal customers of the physical goods proffered by BTS," too (Lee, 2019, p. 172).

ARMY's purchasing power has been widely proven: they bring around US\$3.5 billion a year to the South Korean economy (Lee, 2019). The average BTS ARMY spends over \$1,422 a year on BTS, from which \$545 is spent on merchandise goods, \$541 on concert tickets (at least 5 concerts per fan), and \$336 on music (Park, 2020).

However, the bond between BTS and ARMY goes beyond financial support, and even in the ARMY's financial support of BTS, the reasons go beyond brand desire. Lee (2019) says that the ARMY fandom surpasses the status of passive consumers, and they are driven by affection and dedication to supporting BTS out of love.

There is a conviction among ARMY that BTS deserves to be rewarded for their talent and effort in making music. The fans believe their music embodies their dedication and passion (Ko, 2020). Such conviction leads to not only commercial support of BTS's music and rejection of music piracy but also proactive behavior against violation of BTS's music rights.

It is difficult to prove the link between brand loyalty and the decrease of IP violation. Generally, bigger companies have the means to build stronger brands, which often face fewer challenges from an IP perspective. Also, as litigation is expensive,

bigger brands have a much better chance of outperforming and outlasting smaller brands in court.

For these reasons, we chose BTS and their fandom ARMY as a case study of possible implications of brand equity for the protection of IP. We also chose to approach brand equity from the consumer-based view, one that emphasizes efforts that build brand awareness and associations among consumers (Keller, 1993).

This case study is a preliminary analysis with a particular focus on IP rights related to the field of arts and entertainment: trademarks and copyrights.

Research Motives and Objectives

There are surprisingly few studies about the importance of IP rights in connection to brand management (Flores, 2013). It is a gap that must be filled, especially in the fields of arts and entertainment, where both are relevant topics and can be a determinant for business sustainability.

Moreover, as investments in IP assets grow, and branding becomes a top management priority for organizations (Weitz & Wensley, 2006), studies and practice on the intersection of the two topics (IP and branding) can contribute to their effectiveness.

The Rise in Popularity of IP Assets in the Entertainment Industry

A global and digital economy is the perfect scenario for business practices, products, and services based on IP rights, as contents, information and technologies can circulate more easily.

In the United States, according to Bloomberg (Ponczek, 2020), 84% of the Standard & Poors 500 index was made of intangible assets, such as IP assets (trademarks, copyrights, patents, software, customer data, and others) in 2018. This adds up to 21 trillion dollars.

In South Korea, IP rights related to music, culture, and arts (including IP related to BTS) were the reason why the width of the IP trade deficit narrowed in 2018, according to the Bank of Korea (Jung, 2019).

During the entire year of 2020, there was a significant rise in IP rights acquisition in the global music industry. Singer and songwriter Bob Dylan sold the publishing rights to his songwriting catalog for Universal Music in what was one of the biggest music rights acquisitions in history, estimated at more than \$300 million, according to The New York Times (Sisario, 2020). Other remarkable events for 2020 IP investment in the music industry were the Hipgnosis song fund reporting a market cap value of \$1.68 billion, and successful pop songwriters such as Poo Bear selling their catalogs to the company (Ingham, 2020).

These events show how much value an IP portfolio can hold, and how much profit it can bring to the rights holders, investors, and even the economies of entire countries.

BTS and ARMY as a Focus for Branding and IP Research

The BTS ARMY is known to be an extremely dedicated fanbase that actively participates in numerous initiatives to support BTS and relevant causes globally (Lee & Nguyen, 2020).

The proactive behavior of ARMY in support and defense of BTS's artistry stood out to us first as a form of protection of moral rights (the rights of creators to be recognized as authors).

According to Kaneshiro et al (2021), the reason why ARMY strongly feels the

desire to support BTS and elevate their music is that they appreciate their music and performances and relate to their message and to the band members (Kaneshiro et al, 2021; Kim, 2019). This emotional connection shows that BTS's branding effectively communicates with and appeals to fans. In that sense, the relationship between BTS and ARMY makes an interesting case study to investigate whether branding plays a role in inspiring voluntary engagement of the brand's consumers and fans to defend IP without the need for law enforcement.

Additionally, the victory of Big Hit, the company that manages BTS's career, in the Supreme Court of Korea against a media company that was profiting from selling contents using the name and photos of BTS without proper licensing triggered our belief in a relationship between branding and IP rights. It was the first decision of its kind in South Korea, and as our research has shown, it suggests a relationship between having a strong brand and the likelihood to enforce IP rights.

Methods

This study selects the case study approach. As part of this study, we seek to prove two theories. First, that there is a relationship between branding and proactive fan behavior in defense of a brand's IP. In other words, a strong, well-marketed brand can build a committed fanbase that will advocate for the brand's IP. In order to prove this, we combined literature review about BTS and the BTS ARMY and online ethnography of individuals who identify as ARMY on Twitter and on online blogs. The observations took place in the months of August to December 2020, with posts in the English, Portuguese, and Spanish languages.

Second, that there is a relationship between brand equity and successful enforcement of IP rights. To prove this, we performed a comparative analysis of two legal decisions: the first is from the Seoul Western District Court, and the second is from the Supreme Court of Korea. It was important that the two compared cases were judged under the same law or jurisdiction (e.g., South Korea), as each jurisdiction has slightly different intellectual property laws and comparing two different bodies of law could lead to disparities in the analysis.

Analysis of BTS's Brand Equity

To examine BTS's brand equity, we revised literature and metrics related to the four brand assets cited in Aaker's definition of brand equity (2011), which consists of a combination of the following assets: brand awareness, brand loyalty, perceived quality, and brand associations.

BRAND AWARENESS

In the year 2018, a big data report made by Korea Business Research Institute ranked BTS as the K-pop boyband with the highest "brand value" based on media coverage, social media circulation, and browse frequency on major portals about each boyband (Kim, 2018). For branding researchers, such metrics would indicate "brand awareness" rather than "brand value."

As of the date of this study, BTS still ranks first in lists that measure mentions in Korean press media and social media interactions, as in the ranking published by the Korea Corporate Reputation Research Institute in December 2020. The group was also voted as the most influential people in the South Korean music industry in 2020 by a group of 50 music critics and executives interviewed by Sports Seoul (Hong, 2020).

As for worldwide metrics, BTS's official Twitter account is one of the most

influential accounts on Twitter, with an influencer score of 94, according to the consumer research specialized company Brandwatch (2020).

In 2020, the terms “BTS online concert” and “Dynamite” (the title of a BTS song) ranked #5 in a global ranking of most searched terms related to concerts and lyrics on Google (Google Trends, 2020).

These stats show that BTS’s brand awareness is high in both South Korea as well as the world; and in the South Korean music industry as well as the global music industry.

BRAND LOYALTY

Loyalty from customers is the core of brand equity for Aaker (1991). It reflects how willing a customer is to keep consuming one brand over other brands, especially if the brand makes changes in the price and quality of its products, for example.

When there is high brand loyalty, smaller marketing efforts are required and the risks of losing customers are smaller, even if competitors can offer similar or better products for reduced prices.

In the case of the BTS ARMY, media coverage and literature openly acknowledge how loyal they are, to the point that the fanbase is seen as an asset by Big Hit investors (Dooley & Lee, 2020).

Lee (2019) says that the dedication of ARMY stands out even when compared to that of other musicians in the K-pop industry or the global music industry. It is also documented that a big proportion of the BTS fans are not as interested in other K-pop artists and identify solely as BTS fans (Kim, 2019). Therefore, even if there are many artists and musicians a fan can choose to engage with and consume music from, the ARMY shows high loyalty to BTS.

PERCEIVED QUALITY

Perceived quality is defined by Aaker (1991, p. 85) as “the customer’s perception of the overall quality or superiority of the product or service with respect to its intended purpose, relative to alternatives.”

The main product of the BTS brand is music, and BTS’s music and performances are believed to be the key to the success of BTS (Kim, 2019).

Research by Kaneshiro et al (2021) found that ARMY’s top reasons for following BTS were based on the attributes of the band itself.

While our current study of ARMY concerns their success in carrying out SCEs [social collaborative efforts], our participants’ top reasons for liking BTS were based on the band themselves—specifically their music (89%), message (63%), members (63%), and performance (51%). In fact, social efforts conducted by BTS or ARMY were the least 378 chosen reasons (less than 10% of respondents) for becoming a BTS fan.

Ethnographies of the BTS ARMY show that the quality of the band’s music, content, concerts, and performances often meets or surpasses ARMY’s expectations, as shown in stories like the following:

Though the sound was a departure from much of BTS’ previous work, I appreciated the experimentation. (Lazore, in Eaglehawk & Lazore, 2020, p. 142)

December 15 2018: The day I knew for certain that I am going to be an ARMY forever . . . I could now attest to [a BTS concert] buoyancy and magic. (Ibrahim,

in Eaglehawk & Lazore, 2020, p. 186)

BRAND ASSOCIATIONS

For Aaker (1991), a brand association is anything linked in memory to a brand.

The BTS brand is often associated with positive characteristics and emotions, such as “character,” “teamwork,” and “modesty,” as text mining on Youtube comments of BTS videos indicates (Ko, 2020).

Network analysis results indicated that some of the keywords representing BTS were “success,” “life,” “dedication,” and “moral character.” In particular, “success,” “music,” and “moving” were derived from “life,” suggesting that BTS’s music reflected their unique views on life and that the perceptions of fans converted the lives of BTS members into images of success and being emotionally connected Furthermore, words such as “performance,” “music,” “dedication,” and “success” were interconnected via a strong network.

Words that express nearly identical emotional responses as “empathy,” such as “touching,” “heart,” “feeling,” “consolation,” and “comfort” were also prominent (Ko, 2020).

Associations like these add to the brand’s equity as they represent positive links in the consumer’s minds, which help differentiate the brand and can be determinant for the choice of a brand over another.

Literature Review

Branding and Brand Equity

BRANDING

One definition comes from Kliet and Majerova (2015):

Currently, there are also many definitions of this term. Brand is defined also as a name, term, symbol, design or combination of components used to identify goods and services, and to indicate their differences from competing products and as a tool designed to help customers identify products or services that promise concrete benefits (Sherrington, 2003). It is noteworthy to identify the brand as a symbolic embodiment of complex information related to a specific product. Such information may contain a logo, name and other visual elements. We can conclude that the brand is an integral intellectual part of the product that finds expression relating only to this product whether in name or in design and has a stable and strong communication with the customer.

Kotler (2011) says a brand is not a commodity, but a whole package of meanings that are managed and communicated. Through such management and communication, a brand can conquer loyal consumers and even fans. The brand also has the potential to be a source of a long-term sustainable competitive advantage (Kliet & Majerova, 2015). For example, branding is a form of marking; it can be applied to oneself, to others, and to property.

The historical evolution of branding can be analyzed from different perspectives (e.g., from the perspective of a practitioner, scholar, consumer, etc.) (Bastos & Levy, 2012). Among definitions coined by branding practitioners, the act of branding is often described as a process to communicate a unique selling proposition or differential that sets a product or service apart from the competition (Chron, 2020).

It is important to note that contemporary branding strategy is one that involves more than just endowing products with brand signs. In the “marketing 4.0” era (Kartajaya et al, 2017), in which both offline and online strategies are considered both complementary and interdependent to a company’s overall branding strategy, branding involves a variety of approaches and actions through different channels.

Thus, with the evolution of digital media content, branding has evolved to encompass branded entertainment as well, linking content and entertainment to branding strategies.

BRAND EQUITY

When a product or service is correctly associated with a brand and when consumers understand the value of buying such products or services from that brand, even though other brands offer similar products or services, that brand is considered to possess equity.

A brand generates value for the consumer by resolving the relationship between quality, price, and time, and lends value to the product by bringing in its history the relations with the consumer, in addition to an interesting cost-benefit ratio, and all its experiences with the brand. But for such an exchange to take place, it takes hard work, and often a lasting planning work where a set of values is constituted.

“Brand equity” shows the force of the union between the brand and its consumers It is the result of all the qualities and attributes linked to its growth and profitability. It also works with a value that goes beyond physical assets, surpassing the materiality of a company’s products and physical facilities. “Brand equity” is the sum of feelings and perceptions that make a brand unique. (Magalhães, 2009)

It is difficult to quantify the value of brand assets in financial terms because they are intangible, they are an outcome of a complex psychological process, and their nature cannot be separated from the nature of brand and product equity (Mizik & Pavlov, 2017).

However, the financial market aspect is not the only one in which brand equity can be measured. There are two other aspects: customer mindset and product market (Keller & Lehmann, 2003).

The customer-based view of brand equity appears as a popular one in branding research. Keller (2016) defines it as the differential effect on the consumer or customer response to brand marketing whenever they identify the brand. It is, thus, an approach that covers brand awareness and familiarity.

Relationship Between Branding, Brand Equity, and Intellectual Property

IP law protects creative aspects of branding strategies through the protection of trademarks (the logo, name, and/or slogan of a brand), industrial designs (the visual

design or aesthetic of an object), and copyrights (creative works such as music and literature). Thus, branding has a direct relation with a company's IP rights.

In some instances, branding can help to strengthen IP rights, for example, in the form of trademarks and copyrights. This is most apparent when a company affixes their trademark to a product or when the visual identity of a product allows people to recognize where the product comes from. In that sense, branding is important for the enforcement of IP rights (Flores, 2013).

In some instances, the success of a brand might draw the attention of other, lesser-known brands in the same industry. In an effort to piggy-back off the larger, more well-known brand's success, smaller brands might attempt to copy the larger brand's ideas such as logos, products, or marketing content, thus leading to IP infringement. Therefore, if the larger brand is not protected, the smaller brand might take away a portion of the potential market.

Experts in the field suggest that for a successful IP protection strategy, IP protection must start at the outset of a particular brand and continue to progress during development of the brand. However, protecting IP can become increasingly complicated when a brand's product is not necessarily a tangible item but, instead, a creative work.

Thus, for brands in the arts and entertainment industry, such as music artists, the relationship between the artists and their fans can lead to brand commitment, which, in turn, might aid in IP protection.

For Brownlie et al (2011), a celebrity brand is different from a product brand in that it contains the factor of spectacle, with celebrity brands consisting of transmediated marketing accomplishments traded upon allure, glamour, and charisma, constructed around rituals of transition, belonging, intimacy and affect.

Kemp et al (2013) note that emotional connection and affective commitment development is of the greatest importance for personal branding, even more than for branded products and services.

Results

First Hypothesis

Observations of ARMYs' online behavior show that there might be a relationship between BTS's branding and ARMY's support and protection of their IP.

As discussed in the literature review above, BTS's music, content, and performances are the key elements that draw the fans to them. Fans' positive perception of BTS, particularly the personality and character of the members, also draws support.

These elements lead to acknowledgment of the work, thought, and care that go into making the music and content that is legally protected. As observed from fans' words and actions, they genuinely want BTS's effort to be appreciated in the global community. Thus, the fans support the band morally and economically, rejecting music piracy practices and free music options.

Although music copyright is undoubtedly the main IP that ARMY seeks to protect and defend, we have also found behaviors towards defending the copyrights over the art and graphic designs of BTS albums. While the IP over these designs does not belong to BTS, but to Big Hit, the fan behavior was driven by their commitment to BTS.

Other relevant findings, credited to the success of BTS's branding, were related to ARMY's advocacy for the BTS members' musicianship.

Our observations in the online space known as "ARMY Twitter," as well as in the

ARMY blogosphere, have shown us that ARMY constantly celebrates the group's music, writing articles, blogs, and social media posts about it and organizing activities such as the Twitter hashtag #BeyondTheLyric, which celebrates the band's lyricism. They also advocate for professional music criticism that highlights BTS's songwriting and are vocal in expressing disappointment whenever corporate media outlets refuse to credit the BTS members for their artistry.

Second Hypothesis

Through a comparative analysis of two legal decisions, we found that attributes of BTS's brand which are considered brand equity attributes, such as awareness and reputation, were determinant to the successful enforcement of rights related to subjects of protection under fair commerce and competition laws.

However, we were not able to conclude that the decisions prove a direct relationship between brand equity and enforcement of IP rights. In both decisions, the rights in question were not directly related to IP law but, instead, to competition law.

Competition law and IP law are inevitably connected, as they share common objectives (Raju, 2012). However, they are not the same. Competition law protects commercial aspects of business practices while IP law protects creative and intellectual aspects. Nevertheless, the nature of IP law protects commercial interests related to the exploitation of creations, too. Trademarks, for example, play an economic and semiological role simultaneously. IP rights, in general, allow for a return on the investment made in creating the brand's image (Barbosa, 2010).

Therefore, the study of IP law can benefit from the study of competition law, as long as incompatibilities are taken into account.

Our analysis showed that businesses that create successful and reputable brands are more likely to be successful when enforcing rights concerned with protecting their name and, in this case, photos, both of which are aspects protected under IP law as well as competition law.

FIRST DECISION ANALYSED: SEOUL WESTERN DISTRICT COURT, 2013가합 32048, 2014.7.24

The first decision we analysed is from a lawsuit moved by Korean singers and entertainers (Lee, 2014) (plaintiffs) where they sued a company (defendant) that operates an Internet portal for using celebrity names as keyword search advertisements without permission. The plaintiffs argued that the defendant violated the plaintiffs' rights to commercially exploit their own name rights, and used the customer attraction power of their names and portraits to profit from the plaintiffs' effort and investment.

According to the plaintiffs (2013, free translation):

The defendant unfairly profits from the efforts and investments of the plaintiffs, by using the plaintiff's right to name, portrait, etc., which are the results of the defendant's efforts and investments without permission, contrary to fair competition order. It is a violation of the plaintiff's right to name. Therefore, this corresponds to the acts of unfair competition under Article 2 (1)(j) of the Unfair Competition Prevention and Trade Secret Protection Act.

It's worth noting that the plaintiffs' claims were based on the legal text that was in force at the time (e.g., in the year of 2013). The Unfair Competition Prevention and Trade Secret Protection Act has since been amended (e.g., on April 17, 2018,

Article 2 (1)(j) became Article 2(1)(k)).

In the decision rendered on July 24, 2014, the Seoul Western District Court acknowledged using a name or portrait of a celebrity to be considered a form of sales promotion. However, the Court did not find a sufficient legal basis in written law or customary law to recognize publicity rights as property rights:

The rapid development of entertainment, sports and advertising in Korea has led to many disputes over the use of celebrity names and portraits, therefore, it can be accepted that there is a need to acknowledge publicity rights. However, Article 185 of the Civil Code stipulates that “rights cannot be created arbitrarily, except if in accordance with laws or customary laws,” and does not allow the creation of new types of rights.

The right to publicity as a property right has no basis in written law and customary law.

Therefore, in accordance with the principle of legality (stipulated in Article 185 of the Civil Code), celebrities' names and portraits (e.g., publicity rights) could not be legally acknowledged as “property.” While such rights aren't the same as Intellectual Property rights, as we will explain further, the decision suggests that simply building a successful and recognizable brand for the plaintiffs wasn't sufficient to protect their rights.

SECOND DECISION ANALYSED: SUPREME COURT OF KOREA, 2019마6525, 2020.3.26.

Laws are subject to different interpretations by judges across time and in different circumstances. The second decision analysed in our study was rendered on March 26, 2020, and the plaintiff in the case was BTS's label and manager, Big Hit.

According to Lee & Ko (2019), BTS fans were disappointed to learn that books they'd bought that included BTS members' photos were not, in fact, official BTS goods. The fans brought this issue to Big Hit's attention via complaints and the company filed a lawsuit in 2019 containing an injunction to prohibit the production and distribution of the photobooks. While there was a provisional injunction decision in favour of Big Hit, the decision was subsequently changed, and the lawsuit, in turn, appealed to the Supreme Court of Korea.

The Supreme Court recognized the reputation, credit, and customer attraction acquired with the portrait rights and name rights of BTS, describing their efforts as worthy of protection under fair competition law. We took words such as “reputation,” “credit,” and “customer attraction” as suggestive of brand equity. Thus, our preliminary conclusion was that BTS brand equity was determinant to the effective enforcement of the rights in question.

According to the decision (2019, free translation):

By using the results that competitors have built through considerable effort and investment for their own business against commercial morality or fair competition order, they gain unfair profit, which is contrary to fair competition order and illegal under civil law. Therefore, the decision is based on Article 2 (1) (k) of the Unfair Competition Prevention and Trade Secret Protection Act.

Thus, this decision started a legal precedent for the protection of fans' investments

in names and photos under competition law which, by Raju's aforementioned reasoning that competition law and IP law are closely related, is a promising sign that such assets might be protectable under IP law as well.

Discussions and Implications

Intellectual property rights give the holder the right to stop others from using or commercially exploiting their intellectual property.

However, as evidenced in our analysis above, prioritizing successful branding should organically lead to those consumers advocating for the brand's IP, as branding communicates the company's message and forms meaningful relationships with consumers.

For example, as discussed above in relation to BTS, loyal consumers (or, in the case of a music group, fans) often rebuke piracy and report IP violations directly to the brand. Thus, this advocacy and increased surveillance on the part of the consumers may lead to early identification of IP violation and reduce the need for litigation down the line. It is clear to us that BTS's branding is effective in communicating messages and values that enhance the emotional connection between BTS and their fans. It is also clear that the fans perceive the brand to produce superior quality music, performances, and content as opposed to other music groups.

Upon evaluating BTS's branding performance through literature review and ethnography, we came to the conclusion that BTS is effective in connecting with fans and consumers through a successful branding strategy. Consequently, fans are inclined to support BTS's IP-protected products and, more prominently, their music. It is also important to note that the desire to reward the BTS members for their work as creators is not driven only by emotional connection but also by the perceived quality of their music.

BTS is deeply involved in the creation and production of their own music and performances. For example, between official and unofficial releases, all seven members have songwriting and production credits registered in the Korean Music Copyright Association (KOMCA). The fans are moved by their commitment to producing genuine authorial work and, therefore, avidly consume the brand's products. The fan's loyalty to BTS's original products leads to their rejecting piracy, as well as self organizing to take action to protect the band's IP. This makes BTS and Big Hit's IP portfolio more valuable and less subject to violation or exploitation.

Limitations and Future Research Directions

The popularity of BTS and their relationship with their fans, who've had multiple successes in collaborative efforts for both BTS-related causes and unrelated causes (Kaneshiro et al, 2021), has shown to be a valuable case study for the nexus of branding and IP. Several aspects suggested that a brand that is carefully and sincerely built and well-managed can generate value for an IP portfolio, turn consumers into advocates that will help defend the brand's IP, and increase the likelihood of success in IP law enforcement.

As a preliminary examination, our case study provided valuable insights linking branding strategy, BTS ARMY behavior, and brand equity to practices that are favorable to IP rights.

However, our study was inconclusive due to the limitations of our methods.

First, our evaluation of the effectiveness of BTS's branding strategy and

management was based only on literature and ethnography and, due to lack of such studies, did not include research on BTS branding KPIs (Key Performance Indicators) or customer surveys.

Also, our ethnography was limited to ARMY posts written in English, Portuguese, and Spanish. However, the fandom includes speakers of many languages as seen in projects such as the ARMY Census, which was translated into 46 languages in order to amass more than 400,000 responses (Jeong, 2020). Thus, the ability to analyze posts in a greater number of languages would likely result in a more conclusive analysis.

Should this research be complemented in the future, it is recommended that a wider, more inclusive, and more specific survey is conducted with ARMY with, for example, direct questions regarding their interest in protecting BTS's IP-protected products. Should data be collected from posts on social media such as Twitter, compliance with data protection law is needed. For ethical reasons, it is recommended that tweets are used with consent, as typically not all Twitter users are aware that their tweets can be used in research and believe researchers should not be able to use tweets without consent (Fiesler & Proferes, 2018). Also, the duality of fandom data as both a private and public object requires better care when it comes to collecting data generated through online transactions (Dym & Fiesler, 2020).

As for our second hypothesis, the main limitation was the lack of legal decisions that specifically link brand equity to the enforcement of IP rights. Further research on the role of customer-based brand equity in enforcing IP rights should also take into account an accurate analysis of customer-based brand equity KPIs.

Preserving legal context is also a fundamental need if further research will opt for comparative analysis. Comparing decisions made under different legal systems would lead to inaccurate conclusions.

Lastly, although it is not in the scope of our research, it's worth noting that BTS and the BTS ARMY hold enormous potential for research on how branding can generate new IP as well. The pioneering research of Lee (2019) on the nature of BTS's art has pointed that theirs is a rhizomatic one that welcomes co-creation by not positioning itself as hierarchically superior to the fans and their contributions. We believe such an analysis can be combined with analyses of the strategies of Big Hit's Intellectual Property branch (Big Hit IP), whose team has affirmed that inspiration for new products and secondary IP usage comes mostly from BTS's music, career, and their interaction with fans (Kwon, 2020).

Conclusion

The collective efforts from the BTS ARMY to promote and elevate the BTS members' authorial work, in order for them to be recognized as songwriters, can be considered a form of support of moral rights.

Thus, in conclusion, there seems to be a correlation between the effectiveness of a company's branding strategy and, in particular, BTS's branding strategy and fan practices that are beneficial to the brand and their IP portfolio.

Although it is hard to prove the causality between the two, the contribution made in this case study provides complementary evidence on the topic.

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Suggested Citation

APA

Ribeiro, A. C., & Eram, J. (2021). Branding as a tool for protection of intellectual property rights: BTS and ARMY as a case study. *The Rhizomatic Revolution Review* [20130613], (3). <https://ther3journal.com/>

MLA

Ribeiro, Ana C., and Jo Eram. "Branding as a Tool for Protection of Intellectual Property Rights: BTS and ARMY as a Case Study." *The Rhizomatic Revolution Review* [20130613], no. 3, 2021, <https://ther3journal.com/>.

Conflict of Interest Statement

The creators have no relevant conflicts of interest to disclose.

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